



Case Title: Combating Trafficking in Persons (Implementation of Section 3(b) of the Trafficking Reauthorization Act of 2003)

▶ **Type: Interim rule published & effective 4/19/06
(FAR Case 2005-012)**

-Public comment period closed 6/19/06

-Six respondents submitted multiple comments

▶ **Source: Statutory (Pub. L. Nos. 108-193 and 109-164)**

▶ **Synopsis of rule:**

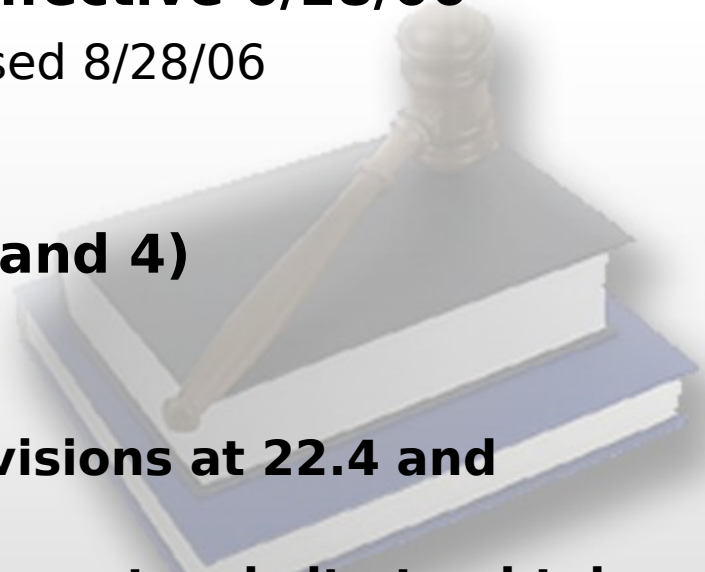
- **Added FAR 22.17 and associated clause at 52.222-50.**
- **Implements statutory restrictions on trafficking in persons in noncommercial service contracts. Prohibits the contractor and contractor employees from engaging in the following activities:**
 - Severe forms of trafficking in persons
 - Procurement of commercial sex acts
 - Use of forced labor

▶ **Status: Drafting second interim rule**



Case Title: Full Implementation of the Wage Determination OnLine (WDOL) (FAR Case 2005-033)

- ▶ **Type: Interim rule published & effective 6/28/06**
 - Public comment period closed 8/28/06
 - No comments received
- ▶ **Source: Statutory (29 CFR parts 1 and 4)**
- ▶ **Synopsis:**
 - **Amended FAR Part 22 (majority of revisions at 22.4 and 22.10)**
 - **Directs agencies to use the WDOL internet website to obtain Service Contract Act and Davis-Bacon Act wage determinations.**
- ▶ **Status: Proceeding to final rule.**





Case Title: Inflation Adjustment of Acquisition-Related

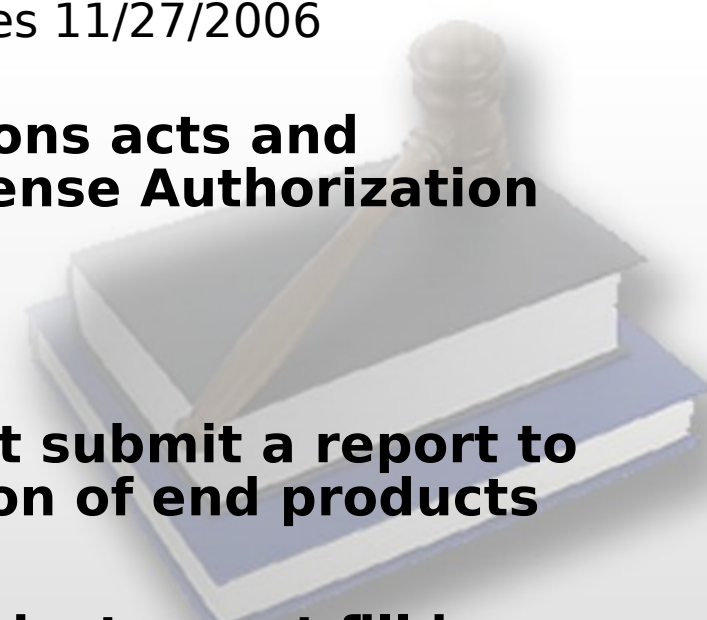
Thresholds (FAR Case 2004-033)

- ▶ **Type:** **Final rule published & effective 9/28/06**
 - 8 responses received to proposed rule (all from Government personnel)
- ▶ **Source:** **41 U.S.C. 431a, as added by Section 807 of the National Defense Authorization Act for FY 2005 (Pub. L. 108-375)**
- ▶ **Synopsis:** Section 807 provides for adjustment every 5 years of acquisition-related thresholds.
 - Does NOT escalate the Davis-Bacon Act, Service Contract Act, and trade agreements thresholds. This rule also escalates some non-statutory acquisition-related thresholds.
 - The micro-purchase threshold increases from \$2,500 to \$3,000, except for contracts subject to the Davis-Bacon Act (\$2,000) or SCA (\$2,500).
 - The FPDS reporting threshold at FAR 4.602(c) will be raised from \$2,500 to \$3,000. Commercial Items test program ceiling at FAR 13.500 will be raised from \$5,000,000 to \$5,500,000.
 - The cost and pricing data threshold at FAR 15.403-4 will be raised from \$550,000 to \$650,000.
 - The prime contractor subcontracting plan threshold at FAR 19.702 will be raised from \$500,000 to \$550,000, except for construction which remains unchanged at \$1,000,000.



Case Title: Reporting of Purchases from Overseas Sources (FAR Case 2005-034)

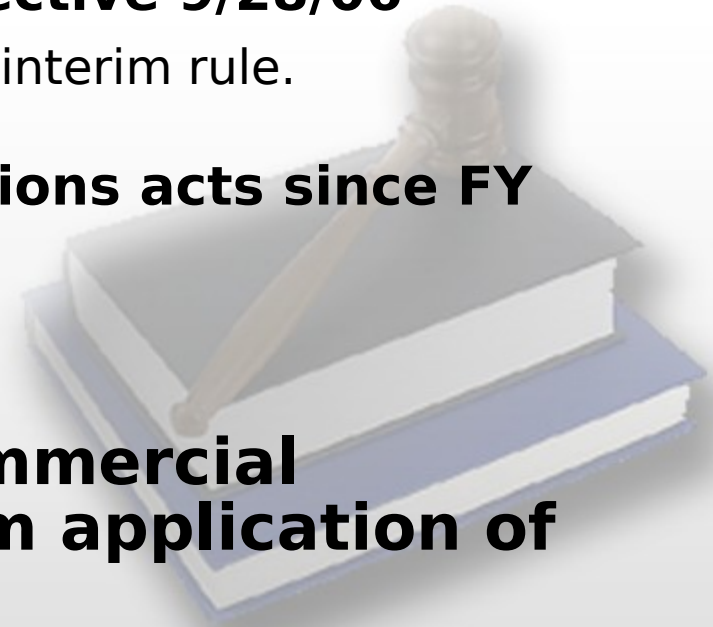
- ▶ **Type: Interim rule published & effective 9/28/06**
 - Public comment period closes 11/27/2006
- ▶ **Source: Annual civilian appropriations acts and Sec 842 of the National Defense Authorization Act for FY 07.**
- ▶ **Synopsis:**
 - **Head of each Federal Agency must submit a report to Congress relating to the acquisition of end products manufactured outside the U.S.**
 - **Offerors of manufactured end products must fill in a solicitation provision indicating whether the products were manufactured in the U.S. or outside the U.S.**
 - **For end products manufactured outside the U.S., the Contracting officer must enter into FPDS the reason for acquiring a foreign end product rule.**





**Case Title: Exception to the Buy American Act
for Commercial Information
Technology)
(FAR Case 2005-022)**

- ▶ **Type:** **Final rule published & effective 9/28/06**
 - Two responses received to interim rule.
- ▶ **Source:** **Annual civilian appropriations acts since FY 2004**
- ▶ **Synopsis:**
 - **Exempts acquisitions of commercial information technology from application of the Buy American Act.**





Case Title: Removal of Sanctions against Certain EU

Countries (FAR Case 2005-045)

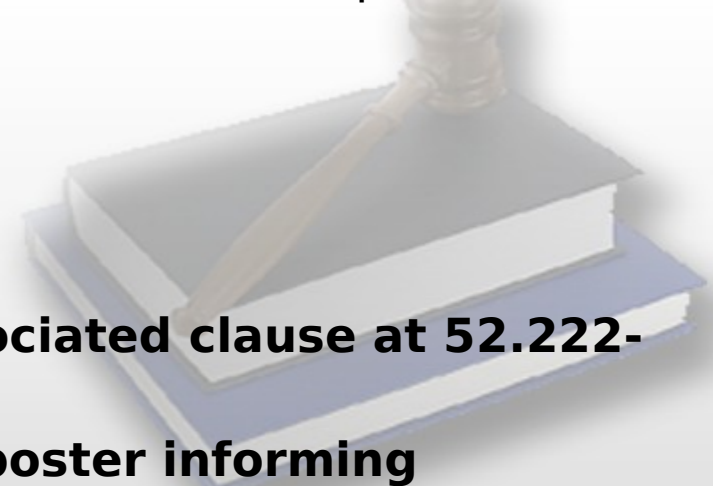
- ▶ **Type: Interim rule published & effective 4/19/06**
 - No responses received.
- ▶ **Source: United States Trade Representative. Issued a determination removing the sanctions against Austria, Belgium, Denmark, Finland, France, Ireland, Italy, Luxembourg, the Netherlands, Sweden, and the United Kingdom.**
- ▶ **These sanctions were put in place in 1993, and applied only to acquisitions not covered by the World Trade Organization Government Procurement Agreement.**
- ▶ **These sanctions did not apply to acquisitions by the DoD.**
- ▶ **Synopsis: Removes the sanctions.**



Case Title: Notification of Employee Rights Concerning Payment of Union Dues or Fees

(FAR Case 2004-010)

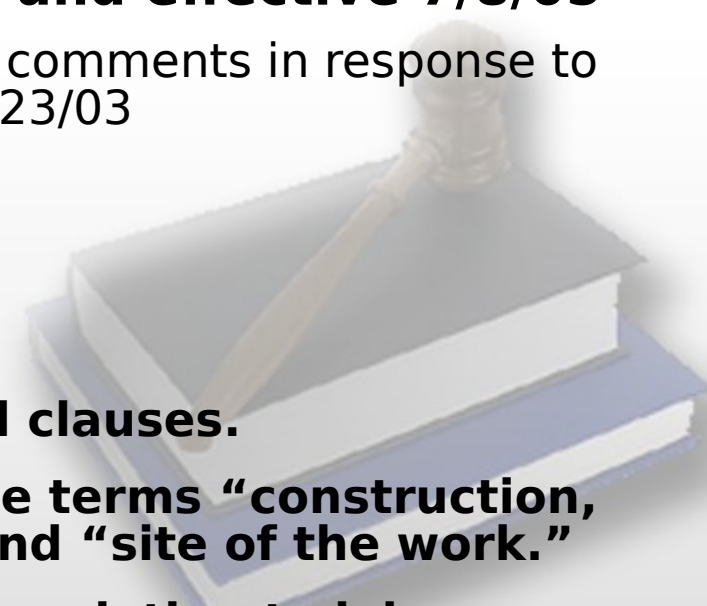
- ▶ **Type: Final rule published & effective on 6/8/05**
 - No comments received on the interim rule published and effective 12/20/04
- ▶ **Source: Executive Order 13201**
- ▶ **Synopsis:**
 - **Added FAR subpart 22.16 and an associated clause at 52.222-39.**
 - **Requires the contractor to display a poster informing employees of their rights concerning union membership and payment of union dues and fees.**
 - **States the information that must be included in the poster.**





Case Title: Labor Standards for Contracts Involving Construction (FAR Case 2002-004)

- ▶ **Type:** **Final rule published 6/8/05 and effective 7/8/05**
 - 161 respondents submitted comments in response to the proposed rule issued 12/23/03
- ▶ **Source:** **Statutory**
- ▶ **Synopsis:**
 - **Amended Section 22.4 and associated clauses.**
 - **Implemented the DOL rule revising the terms “construction, prosecution, completion or repair,” and “site of the work.”**
 - **Added and clarified several definitions relating to labor standards for contracts involving construction.**
 - **Made requirements for flow down of labor clauses more precise.**





Case Title: Nonavailable Articles Policy (FAR Case 2003-021)

- ▶ **Type:** **Final rule published 3/9/05 and effective 4/8/05**
 - No comments received on the proposed rule.
- ▶ **Source:** **Government Policy**
- ▶ **Synopsis:**
 - **Clarify that articles listed at FAR 25.104(a) may not be completely nonavailable domestically (just not available in sufficient quantity or quality)**
 - **Need to conduct market research for domestic sources**
 - **List will be published in the FR for public comment no less than every five years**





Case Title: Powers of Attorney for Bid Bonds (FAR Case 2003-029)

- ▶ **Type:** **Final rule published and effective on 9/30/05**
 - 46 respondents submitted comments on the proposed rule published 8/23/04
- ▶ **Source:** **GAO decisions**
- ▶ **Synopsis:**
 - **Established that copies of an original power of attorney, including photocopies and facsimile copies, submitted in support of a bid bond, are sufficient evidence of authority to bind the surety.**
 - **Removed the matter of authenticity and enforceability of powers of attorney from a responsiveness determination to a matter of responsibility.**

